



CITY OF MORGAN HILL

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, MAY 6, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Council Member Hedy L. Chang Council Member Cynthia J. Cook Council Member J. Robert Foster Council Member Bev E. Freeman
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7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

National Public Works Week

City Clerk's Week

CITY COUNCIL REPORT

Council Member Cook

Water Related Issues

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

CONSENT CALENDAR:

The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. A RESOLUTION CONTINUING LOCAL EMERGENCY

Recommended Action: Adopt resolution.

2. SECOND AMENDMENT TO THE COUNTY WIDE AB 939 IMPLEMENTATION FEE AGREEMENT

Recommended Action: Authorize the City Manager to execute the "Second Amendment to the COUNTY WIDE AB 939 Implementation Fee Agreement."

3. FOURTH AMENDMENT TO THE SOLID WASTE FRANCHISE AGREEMENT

Recommended Action: Authorize the City Manager to execute the "Fourth Amendment to the Solid Waste Franchise Agreement."

4. RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) SECOND YEAR PHASING REQUESTS

Recommended Action: 1) Adopt Resolution of approval for Fiscal Year 2000-2001 Open/Market Rate Projects and 2) Adopt Resolution of approval for Fiscal Year 1999-2000 Micro Measure P Projects.

5. ACCEPTANCE OF THE CITY HALL LANDSCAPING PROJECT

Recommended Action: 1) Accept as complete the City Hall Landscaping Project in the final amount of \$32,270 and 2) Direct the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

6. SUPPLEMENTAL IMPROVEMENT AGREEMENT WITH MORGAN HILL DEVELOPMENT PARTNERS, L.P.

Recommended Action: 1) Approve the attached Supplemental Improvement Agreement with Morgan Hill Development Partners, L.P. and authorize the City Manager to sign on behalf of the City, 2) Appropriate \$46,200 from the unappropriated Water Impact fund balance and \$68,819 from the unappropriated Sewer Impact fund balance to fund this reimbursement and 3) Establish accounts and appropriations as follows: 651 8110 86360 619098, 641 8140 86360 619098

7. FINAL MAP ACCEPTANCE FOR EL TORO GARDENS (TRACT 9051)

Recommended Action: 1) Approve the final map and improvement plans, 2) Authorize the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) Authorize the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.

8. **FINAL MAP ACCEPTANCE FOR SIENA (TRACT 9052)**
Recommended Action: 1) **Approve** the final map and improvement plans, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
9. **FINAL MAP ACCEPTANCE FOR MISSION RANCH (TRACT 9037)**
Recommended Action: 1) **Approve** the final map and improvement plans, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
10. **FINAL MAP ACCEPTANCE FOR SHADOWBROOK PH. III (TRACT 9056)**
Recommended Action: 1) **Approve** the final map and improvement plans, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
11. **AWARD OF CONTRACT FOR EQUIPPING OF DUNNE WELL II**
Recommended Action: 1) **Appropriate** \$100,000 from the unappropriated Water Replacement fund balance to fund 653, department 8120, object 86360, project number 608D96 and 2) **Award** contract to F & M Engineering Contractors, Inc. Company for the construction of Dunne Well II project in the amount of \$174,900.
12. **CITY MANAGER'S PERFORMANCE EVALUATION**
Recommended Action: 1) **Endorse** the evaluation process described below and 2) **Authorize** the City Manager to execute an agreement with David Jones, Ph.D. to facilitate the evaluation process.
13. **COUNCIL POLICY SETTING THE TIME OF 7:30 P.M. FOR PUBLIC HEARINGS**
Recommended Action: **Adopt** the attached policy establishing 7:30 p.m. as the earliest time for public hearings to be heard by Council.
14. **ADOPT RESOLUTION FORMALIZING THE APPOINTMENT OF A FINANCIAL ADVISOR, INVESTMENT BANKER, BOND COUNSEL AND ASSESSMENT ENGINEER FOR THE PROPOSED MORGAN HILL RANCH ASSESSMENT DISTRICT**
Recommended Action: **Adopt** a resolution making certain designations in connection with the proposed assessment district.
15. **LETTER OPPOSING PROPOSITION 224, WHICH LIMITS THE ABILITY OF CITIES TO USE PRIVATE PROFESSIONAL CONTRACTORS AND CONSULTANTS FOR PUBLIC WORKS PROJECTS**
Recommended Action: **Approve** draft letter of opposition to Proposition 224; **authorize** the Mayor to sign same; and **direct** staff to forward copies to the appropriate news organizations.
16. **APPROVAL OF REGULAR MEETING MINUTES OF APRIL 15, 1998**
17. **APPROVAL OF CONTINUED MEETING MINUTES OF APRIL 22, 1998**
18. **APPROVAL OF SPECIAL MEETING MINUTES OF APRIL 25, 1998**

OTHER BUSINESS:

19. **PERSONNEL COMMISSION APPOINTMENT** (Continued from 4/15/98)
Recommended Action: 1) **Interview** Gail Gentile and Hilary Swartz, applicants for the Personnel Commission and 2) **For the Mayor to Appoint** one applicant to the Personnel Commission to fill the unexpired term of Lisa Mulrooney for the term ending June 30, 2000, with the approval of the City Council.

20. **APPOINTMENTS TO THE MORGAN HILL LIBRARY COMMISSION**
Recommended Action: **Appoint** 7 applicants to the Morgan Hill Library Commission; and **designate** four members to serve a term expiring January 1, 2000 and three members to serve a term expiring January 1, 1999. *(Note: Interviews for the Library Commission were held at a Special City Council meeting on April 25, 1998).*
21. **SELECTION OF MAYOR PRO TEMPORE**
Recommended Action: **Select** a member of the City Council to serve as Mayor Pro Tempore until certification of the November 1998 election and the reorganization of the City Council.
22. **AGREEMENT FOR PROFESSIONAL SERVICES RELATED TO THE GENERAL PLAN UPDATE**
Recommended Action: 1) **Authorize** the City Manager to execute the attached agreement for preparation of the General Plan with the firm of Crawford Multari and Clark and 2) **Adopt** a minute action approving the Mission Statement for General Plan Task Force.
23. **PURCHASE OF PG & E STREET LIGHTS**
Recommended Action: **Approve** the attached Purchase and Sale Agreement, **authorize** the payment of \$323,657 to PG & E, and **authorize** the City Manager to sign the agreement on behalf of the City. *(Note: This purchase will save the City \$75,000 per year in energy costs).*
24. **APPROVAL OF CONTRACT FOR SERVICES TO DETERMINE FEASIBILITY OF CONSTRUCTING TWO (2) LARGE ACREAGE SITES FOR STORM RETENTION/FLOOD RELIEF**
Recommended Action: 1) **Appropriate** \$33,500 from our unallocated Storm Drain fund (AB1600), 2) **Authorize** the City Manager to enter into a professional service contract, in accordance with the City's standardized form, with the firm of Nolte & Associates in an amount totaling \$33,500 for conceptual designs and cost estimates for the West Little Llagas Creek Bypass and the Madrone Channel retention basins, as detailed herein and 3) **Establish** account and appropriation in Account number 303-86560-8052-412A98. *Please note: This action determines the feasibility of constructing storm retention projects. If determined feasible, acquisition of property and design of the facilities will be undertaken, including the use of these sites for sports/recreational purposes. The design of the sports/recreational facilities will be separately dealt with at that time.*
25. **REVISED TRUCK ROUTE AND TRUCK PARKING ORDINANCE** (Continued from 4/15/98)
Recommended Action: 1) **Approve** Truck Route Alternate#2, 2) **Waive** the reading in full of the ordinance which replaces current truck route ordinance, and 3) **introduce** ordinance by title only.
26. **PURCHASE OF SMART PERMITTING SOFTWARE**
Recommended Action: 1) **Find and determine** that competitive bids upon notice would not be likely to result in a lower price to the City from a responsible bidder and 2) **Authorize** the City Manager to execute a contract with Tidemark Computer Systems for the purchase of Smart Permitting software.
27. **DUNNE AVENUE LAND USE STUDY**
Recommended Action: 1) **Review** attached memo, meeting highlights, and proposed scope of work for Dunne Avenue, 2) **Direct** staff to undertake study of Dunne Avenue consistent with work program, either A. As part of General Plan update **OR** B. As an independent study to be completed this year, 3) **Appropriate** the necessary funds: A. Using the same formula for the General Plan update (if part of that effort), **OR** B. From the General Fund (if undertaken as an independent study) and 4) Should an interim ordinance be deemed necessary, **direct** staff to prepare the necessary findings and schedule the ordinance for adoption at the May 20 meeting.

ROLL CALL VOTE: The titles having previously been read, no second reading is required. (Government Code Section 36934)

Action -- **Adopt** Ordinance by roll call vote.

28. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1386, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill approving Development Agreement application DA-98-02: Ciolino-Kalmikov and provide for an Exception of Loss Building Allocation for application MP-97-08: Ciolino-Kalmikov. (APN 767-09-022)

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

Appointments to the General Plan Task Force

General Plan & Zoning Amendments for Walnut Grove-LaMere and Sunnyside-Schilling

Graffiti Ordinance

Approve Annual Assessments for Fox Hollow/Murphy Springs Landscape & Lighting Districts

Adopt Resolution of Censure in follow-up to 4/22/98 Special City Council Meeting

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items # through # in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.